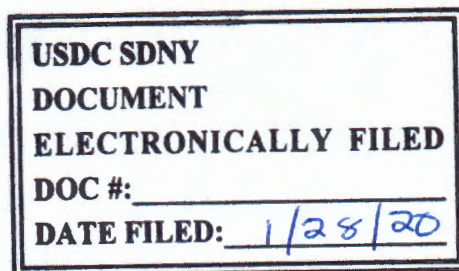


BRAFMAN & ASSOCIATES, P.C.

ATTORNEYS AT LAW
767 THIRD AVENUE, 26TH FLOOR
NEW YORK, NEW YORK 10017
TELEPHONE: (212) 750-7800
FACSIMILE: (212) 750-3906
E-MAIL: ATTORNEYS@BRAFLAW.COM



BENJAMIN BRAFMAN

MARK M. BAKER
OF COUNSEL

MARC A. AGNIFILO
OF COUNSEL

ANDREA L. ZELLAN
JOSHUA D. KIRSHNER
JACOB KAPLAN
TENY R. GERAGOS
ADMITTED IN NY & CA
STUART GOLD

January 23, 2019

VIA ECF

Honorable Kimba M. Wood
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: United States v. Goldstein, 18 CR 217 (KMW)

Dear Judge Wood:

The sentencing in the above-referenced case is currently scheduled for March 12, 2020. In advance of sentencing, counsel will submit a Sentencing Memorandum and letters from Dr. Goldstein's patients, friends and family to assist the Court in evaluating the nature and circumstances of Dr. Goldstein's offense as well as his individualized history and characteristics. As part of our submission, we hope to include a letter from Richard D. Kessler, who has been Dr. Goldstein's therapist since shortly after his arrest, so that this Court would have a clear understanding of Dr. Goldstein's mental health.

We have been informed by Pretrial Services, however, that we will need an Order from this Court to obtain a letter from Dr. Kessler because Dr. Kessler works for an agency that is contracted with Pretrial Services. As the Second Circuit has noted, a "therapist's assessment of [a defendant's] progress toward rehabilitation and the hazards of interrupting that progress" are relevant factors in determining an appropriate sentence. See United States v. Maier, 975 F.2d 944, 949 (2d Cir. 1992). Accordingly, we respectfully request that this Court endorse this letter to allow Richard Kessler to provide counsel with a written report before the sentencing date. We have spoken with Pretrial Services Officer Winter Pascual, who takes no position on our request, and AUSA Noah Solowiejczyk, who has no objection to our request.

Granted
KMW

Respectfully submitted,

s/

Jacob Kaplan

cc: AUSA Noah Solowiejczyk (via ECF)
Pretrial Services Officer Winter Pascual (via email)

SO ORDERED: N.Y., N.Y. 1/28/20

Kimba M. Wood

KIMBA M. WOOD
U.S.D.J.